

# Report of the Head of Development Management and Building Control Committee Report – Application Report

Case Officer: **Emilie Bateman** **78323/APP/2024/968**

Date Application Valid:	<b>12.06.2024</b>	Statutory / Agreed Determination Deadline:	<b>08.11.24</b>
Application Type:	<b>Full</b>	Ward:	<b>Eastcote</b>

Applicant: **Mr B Berisha**

Site Address: **140 Linden Avenue, Ruislip**

Proposal: **Erection of 2 No. semi-detached dwellings including habitable accommodation within the roof space and one basement with associated parking and amenity space, following the demolition of existing bungalow.**

Summary of Recommendation: **GRANT planning permission subject to conditions**

Reason Reported to Committee: **Required under Part 3 of the Planning Scheme of Delegation (Petition received)**



## **Summary of Recommendation:**

GRANT planning permission subject to the conditions set out in Appendix 1.

### **1 Executive Summary**

- 1.1 Planning permission is sought for the demolition of the existing bungalow and the erection of a pair of semi-detached dwellings to provide 1 x 3-bedroom dwelling and 1 x 4-bedroom dwelling, including associated hard and soft landscaping.
- 1.2 During the course of the assessment, the plans have been revised with the initial two detached dwellings being replaced by two semi-detached dwellings which would be set in from both side boundaries. This would ensure that the development sits comfortably within the context of the wider street. It is considered that the proposed dwellings would not cause harm to the character and appearance of the area. The overall siting, scale, bulk, height and design of both properties would be in line with the prevailing street character which comprises a mixture of detached two storey dwellings and single storey bungalows, with a mixture of architectural styles. Condition 4 has also been included to secure the finer detail of the materials.
- 1.3 Given the separation distances involved, coupled with the siting, scale and height of the proposed dwellings, it is considered that the proposal would not cause undue harm on the residential amenity of neighbouring occupiers.
- 1.4 The proposed dwellings would provide satisfactory internal living conditions and external amenity space for future occupiers.
- 1.5 The on-site car parking provision would be in line with the London Plan's parking requirements and the Council's Highways Department has raised no objections to the parking provision. The Highways Officer is satisfied that the proposal would not lead to parking stress or present a risk to highway safety.
- 1.6 It is noted that the development would be in proximity to a tree protected by a Tree Preservation Order (TPO). An arboricultural report has been submitted with the application. The Council's Trees Officer has reviewed this report and is satisfied that the long-term future of the TPO tree would be secured. The proposal would not adversely impact on the health of the trees on the adjoining site.

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- 1.7 During the process of the application, a petition in objection to the development was received. The main issues which shall be addressed within this Committee Report relate to the intensification of the site and the impact on the character and appearance of the street scene and the road.
- 1.8 Due regard has been given to residents' objections, including the petition against the application. However, it is concluded on balance, that the proposal complies with the Development Plan and no material considerations indicate that a contrary decision should be taken. The planning application is therefore recommended for approval subject to the conditions set out in Appendix 1.

## **2 The Site and Locality**

- 2.1 The application site relates to a detached bungalow on the southern side of Linden Avenue, which is a cul-de-sac served by a private road. The site benefits from two garages, both accessed either side of the bungalow from the road.
- 2.2 The street scene on Linden Avenue is a mix of single and double storey detached dwellings, with no prevalent architectural style. The dwellings are set back from the highway with off street parking. The two dwellings to the north of the bungalow on the opposite side of the road, Numbers 177 and 179 Linden Avenue, have dual-pitched roofs with gabled side ends. One benefits from a large flat roofed rear dormer. Number 138 and 138A located adjacent to the site to the southwest are new builds with hipped crown roofs. To the northeast is a pre-school and directly to the east, abutting the site boundary, is green space (Columbia Avenue Field) managed by Hillingdon Council.
- 2.3 According to the Council's GIS, the site is within Flood Zone 1 and a Critical Drainage Area. The site has a Public Transport Accessibility Level (PTAL) of 3 (Moderate). The trees in the green space to the east are protected by Tree Preservation Order 327.

***Figure 1: Location Plan (application site edged red)***



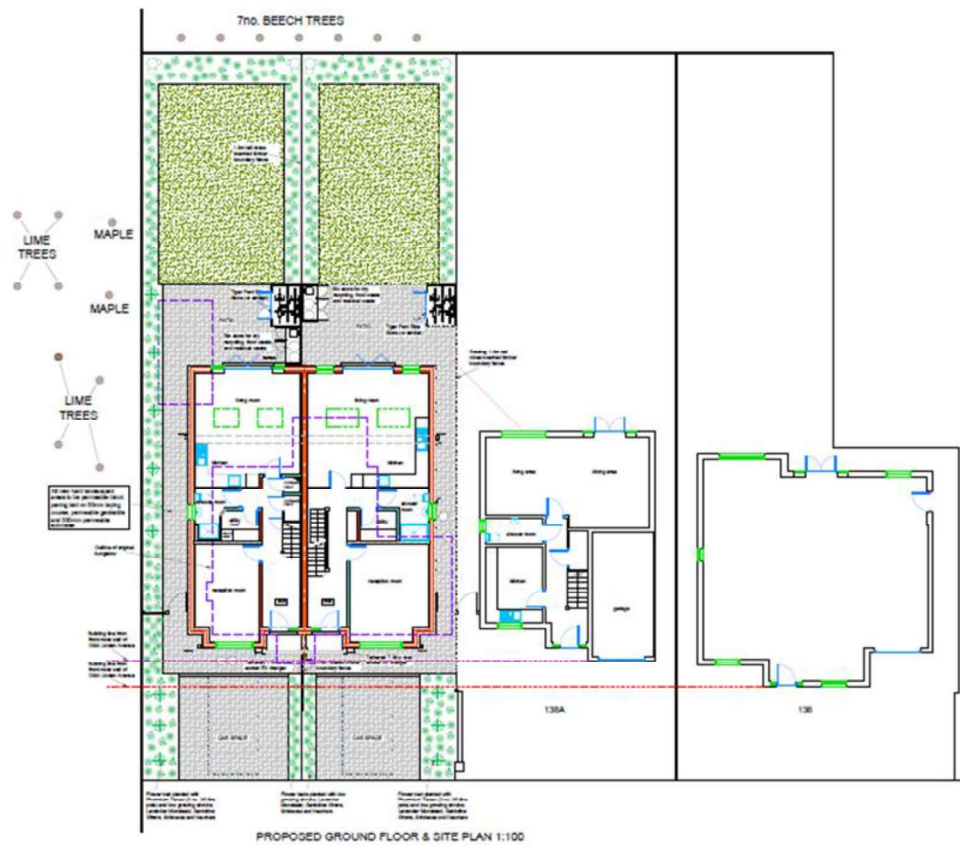
**Figure 2: Photo of the Application Property from the street**



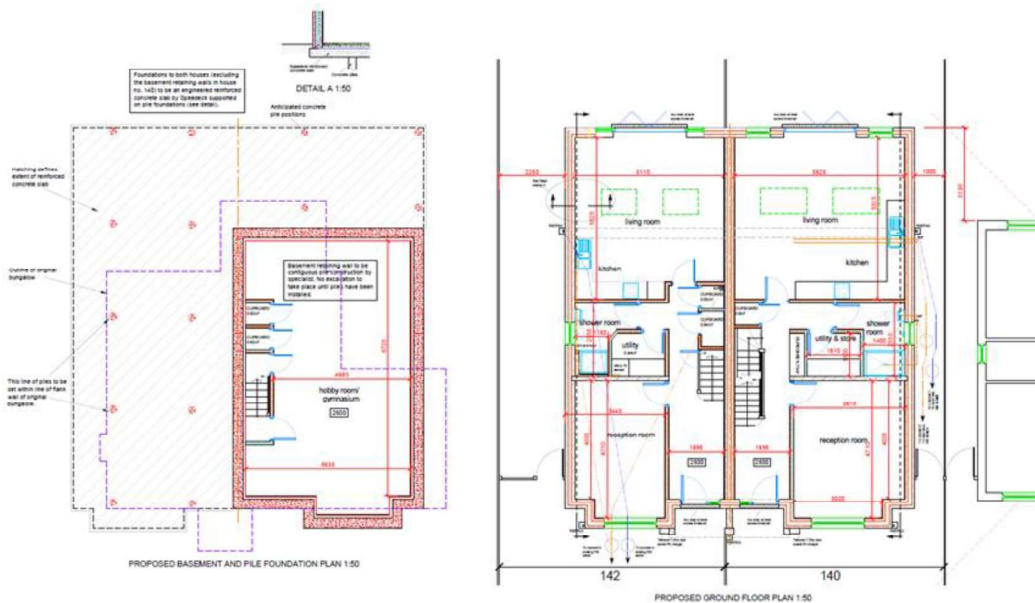
### **3 Proposal**

- 3.1 Planning permission is sought for the erection of 2no. semi-detached dwellings including habitable accommodation within the roof space and one with a basement. Alongside the associated works, parking and amenity space and demolition of existing bungalow.
- 3.2 Revisions have been sought throughout the application process to reduce the height and mass of the proposed dwellings. In addition, revisions sought to address the over provision of car parking, protect adjacent trees and improve soft landscaping.

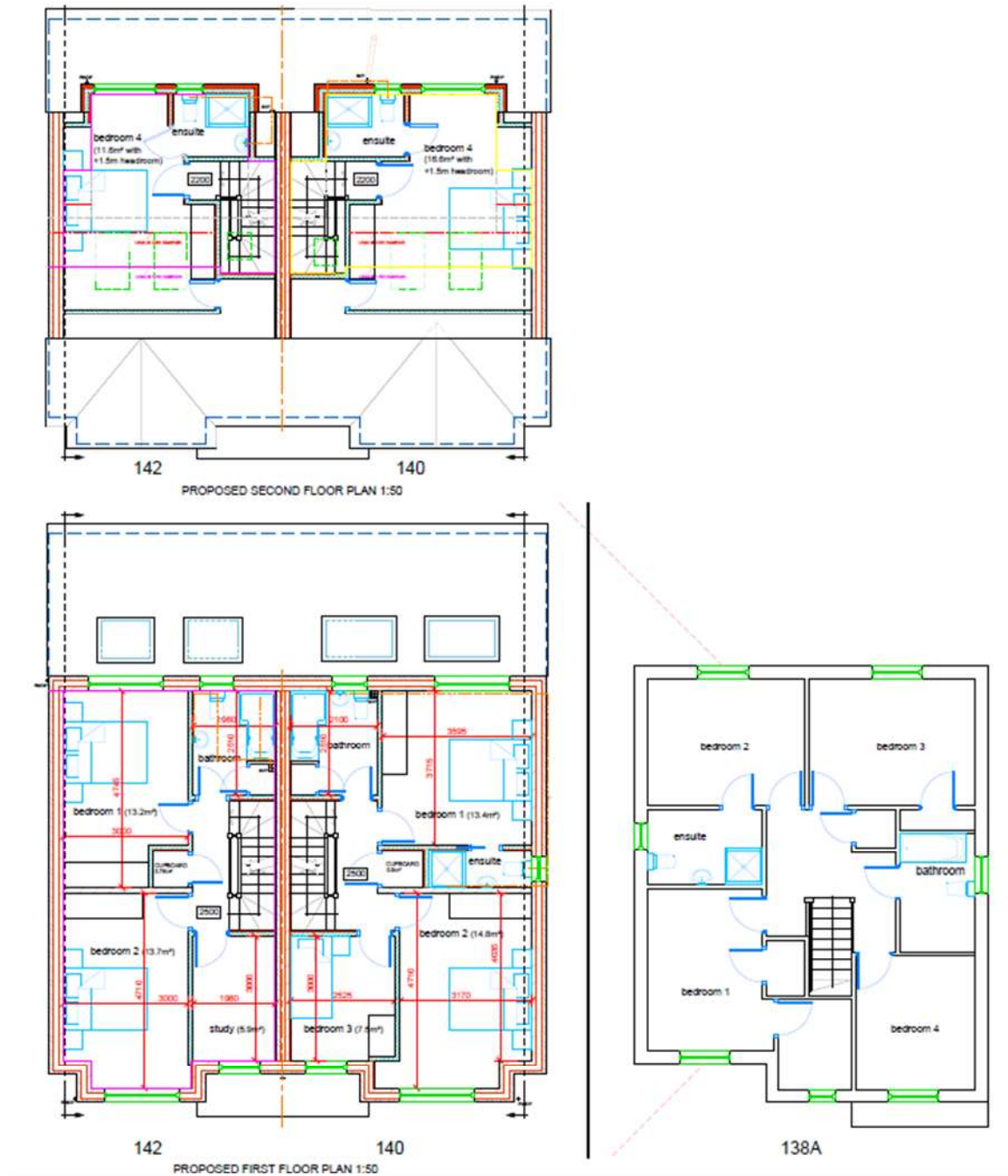
**Figure 3: Proposed Site Plan** (please note – larger version of plan can be found in the Committee Plan Pack)



**Figure 4: Proposed Basement and Ground Floor Plan** (please note – larger version of plan can be found in the Committee Plan Pack)



**Figure 5: Proposed First Floor and Loft Plan** (please note – larger version of plan can be found in the Committee Plan Pack)



**Figure 6: Proposed Elevation** (please note – larger version of plan can be found in the Committee Plan Pack)



**Figure 7: Proposed Street Scene Elevation** (please note – larger version of plan can be found in the Committee Plan Pack)



#### 4 Relevant Planning History

4.1 There is no relevant planning history related to the property.

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## 5 Planning Policy

5.1 A list of planning policies relevant to the consideration of the application can be found in Appendix 3.

## 6 Consultations and Representations

6.1 Eighteen neighbouring properties and the Eastcote Residents' Association were consulted on 18<sup>th</sup> June 2024. A site notice was also displayed on 8<sup>th</sup> July 2024.

6.2 It is noted that originally two detached properties were proposed, with a similar floorplan. Revised plans for semi-detached properties were received which removed the gap between the dwelling and a re-consultation took place on 26<sup>th</sup> June 2024. A further re-consultation took place on 9<sup>th</sup> July 2024 with minor amendments. A final re-consultation took place on 7<sup>th</sup> August 2024 with an updated description. The consultation period expired on 21<sup>st</sup> August 2024.

6.3 Subsequent revisions were received which further reduced the scale of the development. Given these further reductions it was not considered necessary to re-consult.

6.4 Representations received in response to public consultation are summarised in Table 1 (below). Consultee responses received are summarised in Table 2 (below). Full copies of the responses have also separately been made available to Members.

**Table 1: Summary of Representations Received**

<b>Representations</b>	<b>Summary of Issues Raised</b>	<b>Planning Officer Response</b>
A petition was received with 22 valid signatures in objection to the proposal	1. Concerns regarding appearance (including dormers and roof profile – shape/height).	Discussed in Para 7.19 of this report.
	2. Concerns regarding proposed basement – removal of soil alone would take significant amount of time.	Discussed at paragraphs 7.22- 7.26 of this report.
	3. Concerns regarding depth of rear extension.	Discussed at paragraph 7.17 of this report.
	4. Design: Not in keeping with the character; Semi-detached is out of	Discussed at paragraphs 7.13-7.21 of this report.

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	character; Size and scale is imposing.	
	5. Overdevelopment – proposed development covers 285 sqm.	Discussed at paragraph 7.15 of this report.
	6. Neighbour amenity issues (Loss of privacy, daylight, outlook and overshadowing).	Discussed at paragraphs 7.28 -7.36 of this report.
	7. Concerns regarding impact on private road due to construction; the street lacks a footpath and residents currently use the narrow road as pedestrian assess.	Given the road is private, this would be a civil matter.  Highways safety and parking matters is also discussed at paragraphs 7.50-7.60 of this report.
	8. Concerns regarding protected trees, including pruning and wildlife concerns.	Discussed at paragraphs 7.65 - 7.72 of this report.
	9. Neighbouring residents were not informed.	On schemes of this scale, community engagement carried out by the applicant prior to submitting an application is not required. Adjoining neighbours were notified as part of the planning process. A site notice was also displayed to the front of the site. The LPA have met the statutory consultation requirements.
	10.Noise and construction impacts; length of time it will take to complete the project.	Noise and disturbance from building works is governed under separate legislation and is not a material planning consideration for this application. A construction management plan would also be conditioned to ensure that the impact on neighbouring properties from traffic and

		disturbance is minimised during the construction phase. This is discussed within paragraph 7.59 of this report.
	11. Structural and foundations concerns.	Should planning permission be granted, structural and foundations issues would be addressed within a subsequent building regulations application. An informative would be added to any approval reminding the applicant of other regulations that need to be complied with.
	12. Drainage concerns, including no Basement Impact Assessment (BIA) submitted – need to submit a comprehensive drainage plan; the plan must address how both surface water and groundwater will be managed to prevent exacerbating the existing drainage issues. It should include details of waterproofing and water management measures and evidence how groundwater will be managed.	During the course of the assessment, a Basement Impact Assessment was provided by the applicant.  Drainage matters are discussed at paragraphs 7.81-7.92 of this report.
Six individual letters of objection have been received	I. Impact on adjoining neighbours' amenity (Loss of privacy, overlooking, outlook, daylight and overshadowing).	Discussed at paragraphs 7.28-7.36 of this report.
	II. Noise and disturbance.	Discussed at paragraphs 7.61-7.62 of this report.

	III. Out of character (including height, disrupts the uniform appearance with introduction of semi-detached properties).	Discussed at paragraphs 7.11-7.21 of this report.
	IV. Concern regarding basement, including BIA – lack of geotechnical survey to understand the structural impact, lack of basement management plan, drainage and flooding, structural and foundations impact from works, basement not in keeping with the existing architectural styles of neighbouring properties.	Discussed in paragraphs 7.86 - 7.92 of this report.
	V. Impact on trees and tree works carried out without necessary permissions from the neighbours.	Discussed at paragraphs 7.65 - 7.72 of this report.
	VI. Overcrowding.	The addition of one dwelling is not considered to result in overcrowding of the area. In addition, the dwellings meet internal and external space standards.
	VII. Overdevelopment (the rear building line exceeds the current building line).	Discussed at paragraph 7.13 – 7.21 of this report.
	VIII. Parking and congestion concerns (including pedestrian safety).	Discussed at paragraphs 7.50 - 7.60 of this report.
	IX. Drainage and flooding of dwellings.	Discussed in paragraph 7.81 - 7.92 of this report.

	Improvements needed to the drainage system. Lacks a comprehensive drainage plan and connects to an inadequate system worsening flood risk.	
	X. Safety and impact concerns for local pre-school.	These concerns are noted and prior to the commencement of building works a Construction Management Plan would need to be agreed, as it is secured by condition (Condition 3).
	XI. Concern regarding the condition of the private road.	It is acknowledged that the site is situated on a private road. The upkeep of this highway would be the responsibility of individual properties along the private road. This is a civil matter between the residents of the private street.
	XII. Ecological, biodiversity and wildlife concerns including reduction in green space.	Discussed at paragraphs 7.73 - 7.80 of this report.
	XIII. Impact on environment including noise, dust and air pollution.	Air quality is discussed at paragraph at 7.63 of this report.  Noise and dust pollution would be mitigated and minimised by the Construction Management Plan which will be secured by Condition 3.
	XIV. Sustainability concerns.	Discussed at paragraphs 7.93 - 7.96 of this report.
	XV. Impact on services such as water supply,	This utilities servicing of the site is not a material

	sewage, drainage and gas.	planning consideration. It is dealt with outside the realms of the planning legislation post decision through building regs and other associated regulations.
	VI. Construction concerns due to nature of private road.	Potential construction impacts and disturbance would be addressed and minimised by the Construction Management Plan which will be secured by Condition 3.
	VII. Lack of detailed assessment.	Additional information has since been provided. The Committee Report details how the submission is adequate, subject to conditions.
	VIII. Insurance and liability concerns.	This is not a material planning consideration. As such this matter has not been discussed further.
	IX. Sets a precedent and the cumulative impact of similar proposals.	Discussed at paragraph 7.2 of this report.
	X. Impact on access of emergency services.	Discussed at paragraph 7.57 of this report.
	XI. Incorrect certificate signed as it appears that the creation of the basement could encroach onto neighbouring property.	<p>Certificate A has been signed to declare that the owner has Sole Ownership and there is no agricultural tenants.</p> <p>The basement is proposed within the red line site boundary.</p> <p>An encroachment informative has been added.</p>
	XII. Objection via The Party Wall Act 1996.	An informative has been added regarding The Party Wall Act 1996, which is not

		a material planning consideration.
Eastcote Residents Association	Concerns regarding the description of development and ensuring it is accurate (summarised).	Following receipt of ERA's representation, a re-consultation took place with a clear description which includes reference to habitable accommodation in the roofspace and the basement.
	Concerns regarding revised plans. Noted that the original plans showed detached dwellings. Second/third set of revisions did not include a first-floor plan.	Similarly, a re-consultation took place following receipt of the revised plans on 07-08-24. It is noted that the first-floor plan only marginally varies from the first set of plans which were consulted on.
	The design: - The width and height of two semi-detached house, create a very bulky and overbearing effect in this corner of Linden Avenue and particularly against 138a.	Discussed at paragraphs 7.11-7.21 of this report.
	The basement: - Apart from the basement being on the drawings, the application includes no information whatsoever to comply with the requirements of DMHD3.	Discussed at paragraphs 7.22 -7.27 and 7.81 - 7.92 of this report.
	Trees: - The site borders on Columbia Avenue Recreation Ground and there are a significant number of mature trees very close to the fencing which separates one side of the property from the recreation ground.	Discussed in paragraphs 7.65 -7.72 of the report.

	<p>The application seems to have had difficulty identifying the trees and the drawings give no sense of the actual number, position and size. A tree survey and a tree protection plan are urgently needed.</p>	
	<p>Landscaping: - Particularly in relation to the front gardens, details of the percentage and planting of green areas and the permeability of the hard landscaping should be provided.</p>	<p>These details are noted on the site plan.</p>
	<p>Sustainable drainage: - Relative to the size of the site, with the increased number of people accommodated, and the increased number of areas using water, there will be a significant increase in water usage. The application has not provided any information on the provision of SuDS solutions.</p> <p>LBH's website states that 'sustainable drainage is now a material planning consideration for the local planning authority'. In addition, the government has recommended that sustainable drainage systems become mandatory for new developments in England from 2024. Whilst it is understood that this is still to be ratified, the imperative for developers</p>	<p>Discussed at paragraphs 7.81 - 7.92 of this report.</p>

	to be held to account to provide and, more importantly, go on to enact, effective drainage design is even greater than ever.	
	Accessibility: - Level access thresholds were detailed in the initial detached drawings but are not shown on the ground floor semi-detached drawings. There is no information that suggests that the development will ensure the requirements of Part M4(2) are met.	Discussed at paragraph 7.49 of this report.
	Secure by Design: - Addressing security issues seems important particularly as property 142 will be adjacent to open land on one side, creating a vulnerability.	Discussed at paragraph 7.18 of this report.
	No Design and Access Statement	A Design and Access Statement was requested and supplied.

**Table 2: Summary of Consultee Responses**

<b>Consultee and Summary of Comments</b>	<b>Planning Officer Response</b>
<p><b>Access Officer</b></p> <p>This proposal for the erection of two semi-detached dwellings has been reviewed with reference to London Plan Policy D7. No accessibility concerns are raised subject to the following Conditions attached to any approval:</p> <p>Prior to any works on site above damp proof course level, details of step free access via all points of entry and exit shall be submitted to, and approved in writing, by the Local Planning Authority. The measures implemented as approved shall be retained thereafter.</p>	<p>Noted. These conditions have been included in this recommendation.</p>



<p>REASON To ensure housing of an inclusive design is achieved and maintained in accordance with Policies D5 and D7 of the London Plan (2021).</p> <p>The dwellings hereby approved shall accord with the requirements of Policy D7 of the London Plan and shall not be occupied until certification of compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, has been submitted to, and approved in writing, by the Local Planning Authority. All such provisions must remain in place for the life of the building.</p> <p>REASON: To not only allow the Building Control body to require the development to comply with the optional Building Regulations standards, but to also ensure the appropriate quantity and standard of accessible and adaptable housing is constructed and maintained in accordance with policy D7 of the London Plan.</p>	
<p><b>Tree Officer</b></p> <p>T1, T2, T3 and G1 are situated within an LBH managed open space. We would not allow residents to remove trees owned by us.</p> <p>T4 and T6 are both Lime trees. This species is more tolerant of pruning than other species and should be OK with the proposed crown pruning. However, the potential for root disturbance is high and I have concerns about this.</p> <p>REVISED COMMENTS FOLLOWING REVISED PLANS AND AMENDED TREE SURVEY 14.10.24</p> <p>I have read their reply and updated documents. No objections so happy for you to approve, subject to a condition securing the formal Tree Protection Plan and Method Statement.</p>	<p>The applicant has confirmed the trees are to remain, the report highlighted that they were Cat U.</p> <p>Noted that the proposed crown pruning is acceptable.</p> <p>Revisions were sought regarding the root disturbance which included reducing the proposed width of No.142 and providing additional information regarding the foundations (engineered floor slab supported on concrete piles) and utilities.</p>

	<p>It is noted that T1, T2, T3 and G1 are outside of the red line boundary and the agent has confirmed the proposal does not propose the removal of them.</p>
<p><b>Highways</b></p> <p>Concerns regarding overprovision of parking</p> <p>REVISED COMMENTS FOLLOWING REVISED PLANS</p> <p>The maximum requirement for a three to four-bedroom dwelling with curtilage is in the region of 1 space to be provided on-site to comply with the overriding regional parking standard. This level of provision is proposed which conforms to the standard.</p> <p>In terms of cycle parking there should be a provision of 1 secure and accessible space per unit. Secure accommodation of 3 spaces per unit is indicated to the rear of the build which is considered an appropriate arrangement.</p> <p>In line with the London Plan (2021), within the final parking quantum there is a requirement for a minimum 20% 'active' EVCP provision with all remaining spaces being designated as 'passive' provision. In this case, the proposal should incorporate 1 'active' space per unit which the applicant has confirmed.</p> <p>In safety terms, any frontage boundary treatment with Linden Avenue should be avoided (as is the case at present) to help ensure satisfactory sight-line inter-visibility between vehicles and pedestrians using the roadway.</p> <p>There will be little discernible difference in vehicle bound activity as compared to activity linked with the existing single dwelling hence any generated activity can therefore be absorbed within the local road</p>	<p>Noted. Revisions secured and reconsulted.</p> <p>Noted.</p>

<p>network without notable detriment to traffic congestion and road safety.</p> <p>Refuse collection would continue via the roadway. In order to conform to accepted 'waste collection distances' from the public highway, the storage area should ideally be positioned within 10m of a refuse vehicle. A bin storage area for both dwellings is depicted to the rear of the build which exceeds the said parameter. However, it is accepted that it is highly likely that an informal on-plot management regime will be established to ensure that any refuse is positioned within the above distance parameter on collection days. There are no further observations.</p> <p>A full and detailed CMP would be a requirement given the constraints and sensitivities of the local residential road network to avoid/minimise potential detriment to the public realm. It will need to be secured under a suitable planning condition.</p> <p>The application has been reviewed by the Highway Authority who are satisfied that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns, in accordance with Local Plan: Part 2 Development Management Plan Policies DMT 1, DMT 2 &amp; DMT 6 and Policy T4, T5 and T6 of the London Plan (2021).</p>	
<p><b>Environmental Specialist Team</b></p> <p>No objections to the proposed development. The Council's Head of Environmental Specialists is satisfied with the information submitted within the Basement Impact Assessment. The basement is not shown to be within an area with a susceptibility to groundwater flooding. Consequently, there is a low risk of harm associated with the basement in relation to flood risk. The area is not prone to any other form of flooding (i.e. at risk of flooding in a 1:100-year event). No potential concerns for groundwater impacts have been identified in recent times. This is supported by the flood mapping data which demonstrates that there is no known flooding problems mapped at the site.</p>	<p>These comments and no objection are noted.</p> <p>Further assessment on the basement and concerns regarding potential flooding are addressed at Paragraphs 7.80-7.86 of this report.</p>

It is noted that further requirements and investigation works related to the delivery of the basement would be required within a Building Control application which would thoroughly review the stability of the structure and water tightness.	
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## 7 Planning Assessment

### Principle of Development

- 7.1 Policy DMH 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that the net loss of existing self-contained housing will be resisted unless the housing is replaced with at least equivalent residential floorspace. Policy DMH 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that the Council will require the provision of a mix of housing units of different sizes in residential schemes to reflect the Council's latest information on housing need.
- 7.2 The principle of residential use has already been established by the existing dwelling at the site. The existing bungalow is simplistic in design and of no significant architectural merit. The property is not a listed building or within a designated heritage area that would provide some level of protection in relation to demolition. The character of the area adjacent the site is two storey properties with many having received planning permission in recent times. The proposal would not lead to any precedent for similar styles or have a detrimental cumulative impact. The design section of this report (paras. 7.11-7.26) covers the development in more detail. It is also noted that the principle of demolishing the existing bungalow and replacing it with two dwellings was established on the neighbouring plot at Numbers 138 and 138A Linden Avenue (ref: 11121/APP/2012/1922). These properties are situated directly opposite the application site and provide some variance to the street scene in their overall architectural style.
- 7.3 Whilst an existing family sized dwelling would be demolished, it would be replaced by 1 x three-bedroom and 1 x four-bedroom dwellings. The proposal would therefore not result in a net loss of family sized housing (defined as three-bedroom or more units in the London Plan) and would contribute 1 x additional family sized dwelling to the borough's housing stock. The proposal is therefore in accordance with Policies DMH 1 and DMH 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).
- 7.4 Due to the position of the proposed dwellings, it is considered that the proposal would not constitute as backland or garden development. As such, Policy DMH 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) is not applicable, in this instance.

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- 7.5 It should also be noted that the Council is currently able to demonstrate at least a five-year supply of deliverable housing sites. As such, the "tilted balance" as set out in Paragraph 11d) of the NPPF (2023) is not engaged.
- 7.6 Notwithstanding the above, there are other planning considerations that need to be considered which are discussed in the other sections of this report, including the proposal's impact on the character and appearance of the area and neighbouring residential amenity. Consequently, the principle of residential development in this location is acceptable, subject to other planning considerations.

#### *Housing Mix*

- 7.7 Policy H10 of the London Plan (2021) states that new development should consist of a range of unit sizes. Policy DMH 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that the Council will require the provision of a mix of housing units of different sizes in schemes of residential development to reflect the Council's latest information on housing need. The Council's current information on housing need indicates a substantial borough-wide requirement for larger affordable and private market units, particularly 3-bedroom properties, as identified in the Strategic Housing Market Assessment 2016.
- 7.8 In accordance with Policy DMH 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), developments should demonstrate how the provision of family housing has been optimised to address local needs. The proposed housing mix comprises 1 x three-bedroom and 1 x four-bedroom dwellings. Therefore, the proposal would consist of an appropriate housing mix in accordance with Policy DMH 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policy H10 of the London Plan (2021).

#### Density

- 7.9 Policy D3 of the London Plan (2021) states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Policy DMHB 17 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all new residential development should take account of the Residential Density Matrix contained in Table 5.2.
- 7.10 Numerical density levels are considered more appropriate to larger sites and are not typically used in the assessment of schemes of less than 10 units. The key consideration is therefore whether the development would acceptably integrate with the character and appearance of the locality and would respect residential amenity considerations. Please refer to the other sections of this report which assesses these planning considerations in further detail.

## Design / Impact on the Character and Appearance of the Area

- 7.11 Policies D3 and D4 of the London Plan (2021) requires that new development is of high-quality design and responds to a site's context. Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012) states that all new developments should achieve a high quality of design in all new buildings and the public realm contributes to community cohesion and a sense of place.
- 7.12 Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all development will be required to be designed to the highest standards and incorporate principles of good design. Policy DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) advises that development should be well integrated with the surrounding area.
- 7.13 This part of Linden Avenue is residential in character and includes both two-storey and single-storey dwellings. There is large variation in terms of their architectural style and detailing, with a number of newer developments on the road. The application site is situated to the south-eastern end of Linden Avenue and is the end property along the street, abutting a club and public field to the east. Within this immediate section of Linden Avenue, there is a variance in the overall design styles with two storey dwellings dominating the overall character. Whilst there are no semi-detached dwellings on this section of the road, there are multiple within the surrounding roads as well as two-storey terraced dwellings on Linden Avenue itself. The properties opposite the application site at Nos 177 and 179 Linden Avenue, whilst technically detached properties in overall design, they give the appearance of a terrace or semi-detached format from longer viewpoints along this street. Both these properties are distinctively different and add to the variance in the overall street design as can be seen in Figure 8 below.
- 7.14 The proposed dwellings would be set in approximately 1 to 2.3 metres from each side boundary and measure at max 7.64m in height. Notably the neighbouring dwelling at No.138a measures 7.415m in height and opposite Number 175 measures 8.27m in height. Numbers 177 and 179 measure 7.95m in height. Therefore, the overall height of the proposed building will not appear at odds with the established character. It would be modestly higher than the adjoining neighbour and given the set in from the boundary and narrow viewpoints of the building line from the street, this would not be prominent. As this is an end property along the street, there is also more scope for a modest variation in height from its neighbour. This height variance is quite evident from the properties on the opposite side of the street shown in Figure 8 below. These properties opposite the site would continue to be higher than the application site.
- 7.15 Revisions have been received during the course of the application ensuring the bulk, scale, mass and general appearance of the properties align with the prevailing character. Whilst it is acknowledged that the properties are largely detached along Linden Avenue, there is a variety in overall styles. The proposed dwellings would appear similar in size and design to surrounding properties and as such would integrate well with the character and appearance of the street scene. The size and positioning is proportionate and would not lead to an

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overdevelopment of the site. Sufficient garden space is demonstrated to the front and rear property lines, with set-ins from both boundaries, thereby ensuring the buildings do not appear cramped in appearance.



**Figure 8: Street scene directly opposite the application site.**

- 7.16 The proposed development has incorporated within its design finish, established features along the street. As noted above, Numbers 177 and 179 Linden Avenue benefit from gable-end roofs and Number 175 benefits from a projecting gable bay feature, both of which are design features in the proposed dwellings. The centrally positioned double height projecting gable bay features enhance the gable-end roofs by providing a level of visual interest to the façade. It visually breaks up the eaves to the betterment of the overall design. Decorative brickwork would be installed above the fenestration with the windows of suitable slimline glazing which further enhances the design finish. The façade would be in red brick work, which is established along the street, together with Redland plain roof tiles to match those on Number 138 Linden Avenue. These details would be secured via condition (Condition 4). Given the overall quality of the finish, the dwellings would blend into the immediate character. In turn, the development would respond positively along the street scene when viewed from longer viewpoints, where the gable bay features would blend in with the wider street appearance and character.
- 7.17 In addition, the proposed dwellings respect the front and rear building lines of the adjoining dwellings, with the single storey rear element projecting 3.4m past the principal rear elevation of the proposed dwelling and that of the neighbouring dwelling. The single storey element, whilst extending beyond the neighbours' rear elevation, is of a modest depth and height. Both ground and first floor windows serving the neighbours would sit comfortably outside of the 45-degree sight lines. The proposed development would maintain adequate separation distances to the surrounding properties with a 1m distance retained from the common boundary with Number 138a Linden Avenue.
- 7.18 Both properties would have passive surveillance to the front of the street and rear. Whilst No 142 would be the end property along the street adjacent to a green space, there is a buffer of landscaping dividing this space. The level of passive surveillance to both the front and rear provides sufficient security measures for future occupants. A landscaping condition is also attached which would secure the

finer details of boundary treatments which would provide further security measures.

- 7.19 Both proposed dwellings would benefit from rear dormers to accommodate habitable rooms within the roof. Following revisions to reduce the bulk, the dormers are set in from the sides and are considerably set up from the eaves. Number 179 also features a large rear dormer, as does Number 30 Oak Grove which is diagonal to the rear of the application site. Therefore, the proposed dormers would not be out-of-character with the area. The dormers have been revised during the course of the assessment to ensure they appear subservient within the rear roof slope. They would maintain a set in from the perimeters of the roof slopes and the overall design and use of matching materials would support the quality of the architectural design of the dwellings.
- 7.20 The proposed roof lights are centrally placed and would be in alignment with each other. It is therefore considered that the front roof lights would appear as discreet additions when viewed from the street scene.
- 7.21 As such, it is considered that the design is in keeping with the character and appearance of the surrounding area and its visual impact is considered acceptable, subject to the submission and approval of the details of proposed materials (Condition 4). The proposal as submitted shows that an appropriate level of landscaping can be achieved. The details and specification for the landscaping would be secured by Condition 5.

#### *Basement (Design)*

- 7.22 Part B and C of Policy DMHD 3 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) focus on the design implications of basements in terms of neighbours and local character. It states:
- B) Schemes should ensure that they:
- i) do not harm the amenity of neighbours;
  - ii) do not lead to the loss of trees of townscape or amenity value;
  - iii) do provide satisfactory landscaping, including adequate soil depth;
  - iv) do not harm the appearance or setting of the property or the established character of the surrounding area, for example through the introduction of front lightwells; and
  - v) do protect important archaeological remains.
- C) The Council will not permit basement schemes which include habitable rooms and other sensitive uses in areas prone to flooding.
- 7.23 The application proposes the creation a basement beneath one of the proposed dwellings. In terms of the overall design of the basement, it would be sited under the footprint of the two-storey element of proposed Number 140 Linden Road and would measure approximately 49sqm in floorspace with a floor to ceiling height of 2.5m. It would be set in from the boundary of the existing adjoining neighbours and as such would not cause any harm to this neighbours' amenity given the set in and subterranean location. The proposed use would be as a hobby room or



home gym for the proposed dwelling; therefore, no concerns are raised regarding outlook from and light to this proposed space.

- 7.24 A basement is not proposed for the eastern dwelling (shown as Number 142 on the proposed drawings) due to the proximity to trees. The basement is proposed only under the western dwelling to ensure it is outside of root protection areas. The basement visually would not be seen from the street scene and does not feature a light well. Therefore, there would not be any harmful impact on the visual amenity or character of the area and street scene.
- 7.25 Concerns have been raised regarding the construction management of the basement, potentially leading to surface flooding and structural issues. A construction management plan would be secured by condition in relation to the development. Whilst soil would be removed from the site to facilitate the basement, this would be a modest basement in the context of the overall site. A construction management plan is sufficient to ensure that its construction would be carried out with minimal impacts on the wider neighbourhood. As the proposed dwelling would not be attached to any existing neighbouring dwellings, it would not cause any structural concern from a planning perspective. It would however be required to meet building regulations criteria which would look thoroughly into any structural and drainage matters. An informative is attached reminding the applicant of the need to comply with other regulations including building control and environmental regs outside the realms of the planning assessment.
- 7.26 The overall size, positioning and design of the basement would therefore comply with Parts B and C of Policy DMHD 3 of the Hillingdon Local Plan Part 2: Development Management Policies (2020). Part A of this policy (Drainage, flooding and groundwater conditions) are discussed further within paragraphs 7.85-7.91 of this report below.

#### *Conclusion (Design/Character and Appearance)*

- 7.27 Overall, the proposed design of the development would fit in with the character and appearance of the street scene. Whilst it would create a pair of semi-detached properties towards the end of the street, their overall style, design features and roof form would ensure both properties blend into the wider streetscape. The proposed massing and layout are comparable with the prevailing character along this part of Linden Avenue and visually would appear proportionate to the site. In light of the above, it is considered that the proposed development would not cause harm to the character and appearance of the area, in accordance with Policies D3 and D4 of the London Plan (2021), Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) and Policies DMHD 3 , DMHB 11 and DMHB12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

#### Residential Amenity

- 7.28 Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that all development will be required to be designed to the highest standards and incorporate principles of good design. It

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should also not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. The Council will aim to ensure that there is sufficient privacy for residents, and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties or onto private open spaces.

- 7.29 Numbers 138 and 138A Linden Avenue are adjacent to the site along its side boundary to the southwest. These are new builds with hipped crown roofs, with No.138A sharing the mutual boundary with the application site. To the north of the site, across the road, are numbers 177 and 179 Linden Avenue. Number 2 Beech Avenue is located to the southeast of the site, adjoining the rear boundary of the application site. Given separation distances, there are no other neighbouring properties considered potentially affected.

*Number 138A Linden Avenue*

- 7.30 The proposed development would be set in an appropriate distance from the common boundary with No 138A Linden Avenue. The proposed dwelling at 140 would be set approximately 1m off the mutual boundary with Number 138A and would be over 2m from the side wall of the neighbouring dwelling. No138A benefits from two side windows which serve bathrooms. To the front, the building lines generally align with a slight projection forward for the proposed gable feature. The gable feature would be set in further from the boundary and generally aligns with the entrance door to No. 138A. Given this arrangement to the front, Officers are satisfied that the nearest front elevation window serving the kitchen at Number 138A would not be impacted in terms of loss of outlook, daylight, sunlight or sense of enclosure. This nearest window would also comfortably pass the 45-degree test.
- 7.31 To the rear, the proposed development would be part single storey, part two storey. The two-storey rear building line (the principle rear building line) would align with No.138A. The proposed single storey rear projection would extend 3.4m past the rear elevation of No.138A. The depth of this projection is widely accepted in local policy for residential dwellings (notably 3.6m in the local plan with respect to single storey rear extensions for semi-detached properties such as these proposed). The proposed single storey rear extension/element would clear the 45-degree sight line at both ground and first floor level windows of this neighbouring dwelling. The nearest window at ground floor of No 138A would serve a living area. Given that the single storey element is set in from the common boundary, it would not lead to a loss of outlook or sense of enclosure or overbearing impact. As the window is also outside the 45-degree line of the development, it would meet the BRE Daylight Sunlight guidance and as such would not cause any harmful loss of daylight, sunlight or overshadowing concerns.
- 7.32 Officers are also satisfied that the neighbouring garden would meet BRE guidance set out in para 3.3.7 which recommended that at least half of the amenity areas or garden can receive at least 2 hours of sunlight on 21 March. Due to the overall size of the neighbours garden, it would comply with this criteria.

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- 7.33 The proposed dwellings would benefit from side windows which would serve bathrooms. A condition (Condition 14) would secure this as obscured glazing and non-opening below 1.8m. The first-floor rear windows would face onto the rear garden with no direct overlooking of immediate private amenity space of the neighbours. Therefore, it is not considered that this would cause any loss of privacy or overlooking.

*Numbers 177 and 179 Linden Avenue*

- 7.34 Directly opposite the site to the north lies Nos. 177 and 179 Linden Avenue. The views from the front elevation windows of the application site would not be too dissimilar to that of the existing arrangement, and it is generally expected that fenestration arrangements fronting a highway would have less reliance on protecting amenity space. These windows provide a level of security onto a street and are already compromised by passing pedestrians and traffic. Notwithstanding this, the proposal would maintain approximately 21m distance between the first-floor windows and the front windows of both these neighbouring properties. This is in the line with the policy requirements. Consequently, there would be no harm to the residential amenity of these neighbouring properties.

*Number 2 Beech Avenue*

- 7.35 The proposed development abuts the rear garden of No.2 Beech Avenue to the south. It is acknowledged that the proposed first floor rear windows would provide oblique views into the rear garden of Number 2 Beech Avenue. However, a mutual degree of overlooking between first floor windows from Number 2 and the rear garden of the application site already exists, which is not uncommon in suburban locations such as this. In addition, at first floor there is approximately 30m separation distance between the first-floor windows at No.2 and the application site. It is therefore considered that the proposed first floor rear windows would not result in such a material loss of privacy as to warrant a reasonable ground for refusal on this basis. This property is also sufficient distance away to not adversely impact on the daylight, sunlight or sense of enclosure experienced by residents of Number 2 Beech Avenue,

- 7.36 Consequently, the proposal is not considered to result in an unneighbourly form of development, or to adversely affect neighbouring residential amenity. Having regard to the above, it is considered that the proposed development would not unduly impact on the living conditions of neighbouring occupiers. It would therefore comply with Policy DMHB 11 part B) of the Hillingdon Local Plan: Part 2- Development Management Policies (2020).

Quality of Residential Accommodation (Internal and External)

*Internal*

- 7.37 Regarding internal accommodation, Policy D6 of the London Plan (2021) sets out the requirements for the gross internal floor area of new dwellings at a defined level of occupancy. Table 3.1 of the London Plan (2021) sets out the

same gross internal area space standards set out in the technical housing standards - nationally described space standard (2015). Policy DMHB 16 of the Local Plan (2020) aligns with this policy.

- 7.38 Policy DMHB 16 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all housing development should have an adequate provision of internal space to provide an appropriate living environment. The space standards set out in Table 5.1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) are the same as those found in Table 3.1 of the London Plan (2021).
- 7.39 The London Plan and nationally described space standard (2015) requires double bedrooms to have a floor area of at least 11.5 square metres and be 2.55m wide, and for single bedrooms to have a floor area of at least 7.5 square metres and be 2.15m wide.
- 7.40 The proposed development comprises 2 new dwellings (1 x three-bedroom and 1 x four-bedroom). Within Table 3.1 of London Plan (2021) Policy D6 requires the following:  
Two storey, three-bedroom and 6 person = 102sqm + 2.5sqm storage  
Two storey, four-bedroom and 7 person = 115sqm + 3sqm storage
- 7.41 The proposed development would provide the following:  
Number 142 Linden Avenue: 131.1sqm (two storey, three-bedroom and 6 person)  
Number 140 Linden Avenue: 200.4sqm (two storey, four-bedroom and 7 person)
- 7.42 As demonstrated above and on the plans, both proposed units would meet the minimum space standard requirement set out in Policy D6 of the London Plan (2021). Each of the proposed double bedrooms would have a floor area of at least 11.5 square metres, and the single bedrooms have a floor area of at least 7.5 square metres. In addition, they would have adequate storage and room widths. All the habitable rooms would be served by windows fitted in the front or rear elevation, thereby providing adequate levels of light and outlook.
- 7.44 On the above basis, it is considered that the proposed development would provide satisfactory internal living conditions for future occupants, in accordance with Policy DMHB 16 of the Hillingdon Local Plan: Part 2 -Development Management Policies (2020) and Policy D6 of the London Plan (2021).

#### *External*

- 7.45 Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all new residential development and conversions will be required to provide good quality and usable private outdoor amenity space. Amenity space should be provided in accordance with the standards set out in Table 5.3, which requires flats with three bedrooms to provide a minimum of 30 square metres of private useable amenity space.

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- 7.46 The proposed development would provide the following private amenity space provision:  
Number 140 = 112 sqm  
Number 142 = 119sqm
- 7.47 The figures quoted above do not include the side passageways leading to the rear gardens because these areas do not constitute 'useable private amenity space'. There is an acceptable provision of private amenity space that would be afforded to the future occupiers of the proposed dwellings.
- 7.48 The proposal would be in accordance with Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

#### Accessibility

- 7.49 This proposal for the erection of two semi-detached dwellings has been reviewed with reference to London Plan Policy D7. No accessibility concerns are raised subject to the two conditions securing step free access (Condition 9) and compliance with the technical specifications for an M4(2) dwelling (Condition 10).

#### Highways and Parking

##### *Site Characteristics and background*

- 7.50 The site is located at the end of a cul-de-sac positioned within a private (unadopted) section of Linden Avenue in Ruislip. In the main, the surrounding properties exhibit frontages with on-plot parking. The area is devoid of parking controls and exhibits a public transport accessibility level (PTAL) rating of 2 which is considered 'poor' and as such, heightens dependency on private car ownership and usage

##### *Parking Provision & Internal Parking Layout*

- 7.51 Hillingdon Local Plan: Part 2 Policy - DMT 6 requires that new development will only be permitted where it accords with the council's adopted parking standards unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on the surrounding road network. London Plan (2021) Policy T6.1 (Residential Parking) requires that new residential development should not exceed the maximum parking standards as set out in table 10.3.
- 7.52 The requirement for a three/four bedroom dwelling with curtilage is for 1 space to be provided on-site to comply with the overriding regional parking standard. Revisions were sought to reduce the two spaces per unit to one space per unit, to conform with planning policy. The revisions provided now show one vehicle space per new dwelling which would be in line with the policy criteria. The Highway's Officer has raised no objection to this parking provision and does not envisage highway safety or traffic concerns to the wider street scene.

### *Electric Vehicle Charging Points (EVCPs)*

- 7.53 In line with the London Plan (2021), within the final parking quantum there is a requirement for a minimum 20% 'active' EVCP provision with all remaining spaces being designated as 'passive' provision. In this case, the proposal should incorporate 1 'active' space per unit which the applicant has confirmed on the proposed site plan.

### *Cycle Parking*

- 7.54 In terms of cycle parking there should be a provision of 1 secure and accessible space per unit to conform to the adopted borough cycle parking standard. Secure accommodation of 3 spaces per unit is indicated to the rear of the build which is considered an appropriate arrangement. The details and specification of the cycle store will be secured by Condition 5.

### *Vehicular Access Provision/ Access Visibility Requirements*

- 7.55 There are currently two carriageway crossings emerging onto the roadway and it should be noted that owing to the private 'unadopted' status of this section of Linden Avenue, the Highway Authority (HA) has no direct jurisdiction over any amendments that may be required and therefore cannot impose appropriate scale or construction design parameters/standards.
- 7.56 Notwithstanding this point, these crossings are to remain but with minor realignment for the purposes of the new build which is considered acceptable in principle subject to satisfying the safety requirement. In safety terms, any frontage boundary treatment with Linden Avenue should be avoided (as is the case at present) to help ensure satisfactory sight-line inter-visibility between vehicles and pedestrians using the roadway. This would be secured by Condition 15.

### *Vehicular Trip Generation*

- 7.57 Local Plan: Part 2 Policies DMT 1 and DMT 2 require the council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety. There will be little discernible difference in vehicle bound activity as compared to activity linked with the existing single dwelling. Hence any generated activity can therefore be absorbed within the local road network without notable detriment to traffic congestion and road safety. Sufficient room for manoeuvring would remain for emergency service vehicles. Given the sites location towards the end of a private road, sufficient space would be maintained for emergency vehicles to access the site without causing any road safety issues.

### *Refuse Collection*

- 7.58 Refuse collection will continue via the roadway. To conform to accepted 'waste collection distances' from the public highway, the storage area should ideally be

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positioned within 10m of a refuse vehicle. A bin storage area for both dwellings is depicted to the rear of the build which exceeds the said parameter. However, it is accepted that it is highly likely that an informal on-plot management regime will be established to ensure that any refuse is positioned within the above distance parameter on collection days. The details and specification for the bin stores will be secured by Condition 5.

#### *Construction Management Plan (CMP)*

- 7.59 A full and detailed CMP would be a requirement given the constraints and sensitivities of the local residential road network to avoid/minimise potential detriment to the public realm. This would be secured by Condition 3.

#### *Conclusion (Highways and Parking)*

- 7.60 The Highways Authority have been consulted on the application and are satisfied that the proposal would not discernibly exacerbate congestion or parking stress and would not raise any measurable highway safety concerns, subject to appropriate conditions as discussed above.

#### Noise

- 7.61 Policy D14 of the London Plan (2021) requires that proposals minimise noise pollution and Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) promotes the maximum possible reduction in noise levels and seeks to ensure that noise impacts can be adequately controlled and mitigated.
- 7.62 The site would be used in an exclusively residential capacity. As such, in terms of the operational phase of the proposed development, no significant issues are considered to be raised by the proposal, in respect to noise. Condition 3 has been added requiring the submission of a Construction Management Plan to minimise noise and other emissions caused during the construction phase as far as practicable.

#### Air quality

- 7.63 The application site is not located within an Air Quality Management Area nor Focus Area.

#### Security

- 7.64 The proposed development is not considered to compromise the security of the application site or adjoining sites. The overall design of the building is satisfactory and would provide natural surveillance on the street scene to the wider benefit of the area.

#### Trees and Landscaping

- 7.65 Policy D5 of the London Plan (2021) states that development proposals should

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integrate green infrastructure to contribute to urban greening, including the public realm. Policy DMHB 14 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020) requires that all development retains or enhances existing landscaping, trees, and biodiversity.

- 7.66 The trees located on the land adjacent to the application site are subject to Tree Preservation Orders (TPOs) and are managed by Hillingdon Council. Revisions to the development were sought following concerns raised by the Tree Officer regarding potential root disturbance.
- 7.67 The revisions included reducing the width of Number 142 and providing additional information regarding the foundations (engineered floor slab supported on concrete piles) and utilities. It is noted that T1, T2, T3 and G1 are outside of the red line boundary and the agent has confirmed the proposal does not propose the removal of any of these trees.
- 7.68 The utilisation of engineered foundations and use of minimal-dig sub-base and porous paving for hard landscaped areas would minimise the construction-related impacts associated with the proposed new dwellings upon the root systems of trees within neighbouring land to the east of the existing property.
- 7.69 Some confined excavation would be necessary to install new utility services within the root protection area (RPA) of T4 and the impacts associated with this could be minimised using hand digging. Facilitation pruning is necessary to implement the proposed scheme and the Council's Tree Officer has confirmed that this would not adversely affect the trees' health, appearance, or amenity value.
- 7.70 The proposed scheme accords with council policy DMH6 (point iv) on the basis that all trees potentially affected would be retained. It also accords with policy DMHB14 on the basis that:  
A) all trees potentially affected by the development would be retained  
D) this report provides an accurate survey of all trees potentially affected by the development that indicates their height, spread, species and Root Protection Areas, and provides draft protection recommendations.
- 7.71 The application is supported by an Arboricultural Impact Assessment Report and a draft Tree Protection Plan. The report has been reviewed by the Council's Tree Officer and Landscape Officer and found to be acceptable, subject to the receipt of a detailed Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP). These would be secured by Condition 6.
- 7.72 The proposed development would include landscaping works to the front, sides and rear gardens as demonstrated with the proposed block plan. The level of landscaping proposed would create sufficient greenspace and improve its overall quality on the current situation. The landscaping would help integrate the development with the surrounding properties and subject to a comprehensive landscaping plan (secured by Condition 5), it is considered that the proposed development would comply with Policy DMHB14 of the Hillingdon Local Plan (2020).

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## Ecology and Biodiversity

- 7.73 Policy DME17 of Hillingdon Council's Local Plan Part Two Development Management Policies (2020) states that if development is proposed on or near to a site considered to have features of ecological or geological value, applicants must submit appropriate surveys and assessments to demonstrate that the proposed development will not have unacceptable effects. The development must provide a positive contribution and enhancement of the site or feature of ecological value.
- 7.74 The site does not contain any ponds, open woodland or dense scrub and shrubbery. It is therefore considered that the likelihood of protected species being present at the site is low. As such, an ecology assessment is not required. The position would be in accordance with 'Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System' which states that *"bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development"*.
- 7.75 In the event of an approval, an informative would be secured advising that should protected species be found on the site, the applicant must fulfil their duties under the Wildlife and Countryside Act 1981.

### *Biodiversity Net Gain*

- 7.76 In England, Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). It became mandatory for major developments on 12 February 2024 and small sites on 2 April 2024. Developers must deliver a BNG of at least 10%. This means a development will result in more or better-quality natural habitat than there was before development. The landowner is legally responsible for creating or enhancing the habitat and managing that habitat for at least 30 years to achieve the target condition.
- 7.77 Policy 15 of the National Planning Policy Framework (2023) states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and provide net gains for biodiversity.
- 7.78 Paragraph 8.6.6 of Policy G6 of The London Plan (2021) states that biodiversity net gain is an approach to development that leaves biodiversity in a better state than before. Losses should be avoided, and biodiversity offsetting is the option of last resort. Policy EM7 of Hillingdon Council's Local Plan Part One Strategic Policies (2012) states that Hillingdon's biodiversity and geological conservation will be preserved and enhanced, with particular attention given to improving biodiversity from all development.
- 7.79 During the process of the application a Biodiversity Net Gain Assessment was  
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requested and provided. The BNG metric confirms at least 15% net gain would be achieved. The figures demonstrate that the habitat being put back into the site would be increased to the front, along the sides and to the rear garden. The landscaping works would be a better-quality arrangement than the existing site circumstances and given their locations within the perimeter of the boundary, the Local Planning Authority are satisfied that the management of these areas can be maintained over a 30-year cycle as required. Since the metric was submitted, revisions indicate an increase in soft landscaping, which would result in more than this being provided. The improvement on the existing BNG value is therefore accepted and Condition 8 has also been attached to ensure that the BNG would be managed and monitored as required by the statutory regulations.

- 7.80 As such, the application would be able to provide a 10% increase in biodiversity. Therefore the statutory condition (Condition 8) and informative have been added to the recommendation which requires a written 30-year Habitat Management Plan (HMP) for the site to be submitted to and approved in writing by the Local Planning Authority.

#### Flooding and Drainage

- 7.81 Policy SI 12 of the London Plan (2021) states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 of the London Plan (2021) states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.
- 7.82 Policy DMEI 9 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that proposals that fail to make appropriate provision for flood risk mitigation, or which would increase the risk or consequences of flooding, will be refused.
- 7.83 Policy DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that applications for all new build developments (not conversions, change of use, or refurbishment) are required to include a drainage assessment demonstrating that appropriate sustainable drainage systems (SuDS) have been incorporated in accordance with the London Plan Hierarchy.
- 7.84 The application site lies within Flood Zone 1 of the Environment Agency's Flood Risk Map and a Critical Drainage Area. This means the site is classified as being at low risk and defined as having a less than 1 in 1,000 annual probability of fluvial and tidal flooding. Notwithstanding this point, all development applications for residential development should actively demonstrate how water generated by the site shall be managed within the site boundary.
- 7.85 In the event of approval, a condition (Condition 11) would be secured requiring a sustainable water management scheme, with the incorporation of Sustainable Urban Drainage Systems (SUDS), to be submitted to the Council for consideration.

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*Basement (Drainage, Flooding, Groundwater Conditions)*

- 7.86 Part A of Policy DMHD 3 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) focuses on the drainage, flooding, groundwater aspects of a basement development. It states:  
'A) When determining proposals for basement and other underground development, the Council require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability. The Council will only permit basement and other underground development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. Developers will be required to demonstrate by methodologies appropriate to the site that their proposals: i) avoid adversely affecting drainage and run-off or causing other damage to the water environment; ii) avoid cumulative impacts upon structural stability or the water environment in the local area.
- 7.87 A Basement Impact Assessment (BIA) was requested and received during the course of the application. The BIA was carried out by GEA Geotechnical Consultancy and signed off by the Consultancy Senior Geotechnical Engineer. Part 3 of the BIA provided details of the site ground conditions including accompanying Geological Survey Map which indicates that Lambeth Group rock is likely to be prevailing geological rock strata within the site. This is supported by evidence from borehole digs at a neighbour site (Eastcote Industrial Estate) drilled approximately 170-190m north-east of the site. The Lambeth Group type rock is classified by the Environment Agency as a Secondary A Aquifer which comprise permeable layers that can support local water supplies at a local level which is significant in ensuring reduction of surface water.
- 7.88 The BIA report also notes that the nearest surface water feature to the site is located 419m to the southeast and likely to be a drain within Pine Recreation Ground. It also notes that the site is note in an area at-risk of flooding from rivers or sea or having a surface water flood risk or ground water flood risk.
- 7.89 The BIA indicates that the basement would extend a depth of 2.5m where Lambeth Group rock is likely to be the predominant rock type. Any groundwater occurrences within this area is unlikely to form a coherent water table or support any significant groundwater flow. Any such water can also flow around the proposed basement given the set-ins from the site boundaries. An accompanying Envirocheck report also confirms that the site is not located within an area at risk from surface water or groundwater flooding. There is also sufficient garden and drainage space retained on the site were surface water to occur.
- 7.90 The BIA has been reviewed by the Council's Head of Environmental Specialists. They have raised no objections to the detail included within the report. The Officer highlights that the basement is not shown to be within an area with a susceptibility to ground water flooding and there is a very low risk of harm associated with the basement in relation to flooding. The Environment Agency's Susceptibility to Flooding map demonstrates that the site is situated a significant distance away from the nearest areas susceptible to flooding risk. The Council's

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Environmental Officer is therefore satisfied that there is no known flooding problems mapped at the site and as such raises no objections to the modest basement extension. Given the basement does not extend the full width of the site, which allows space for groundwater to move around the site without increasing risk to the surrounding properties, there is no objection in principle to a proposed basement on drainage principles.

- 7.91 The Environmental Officer has also noted that the structural stability of the basement and water tightness would also be secured under a building regulation application which is outside the remit of the planning regulations. An informative has been recommended to ensure the applicant is aware of the need to comply with building and environmental regulations.
- 7.92 It is considered that the proposal would not significantly increase the risk of flooding at the site or elsewhere, in compliance with Policies DMEI 9 and DMEI 10 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policies SI 12 and SI 13 of the London Plan (2021).

#### Sustainability

- 7.93 Policy DMEI 2 of the Hillingdon Local Plan (2020) requires all developments to make the fullest contribution to minimising carbon dioxide emissions in accordance with the London Plan targets.
- 7.94 The proposed development is of a minor scale therefore whilst the principle of SI 2 (carbon reduction) is relevant, the London Plan Policy applies more specifically, to major scale applications. The applicant is therefore not required to submit an energy statement with the application or demonstrate a policy level of on-site savings. Notwithstanding this point, the modern construction of the development would be considered as providing sufficient energy savings itself and therefore, the development would comply with the principles of the carbon saving development plan policies.
- 7.95 A condition (Condition 11) would be secured requiring the proposed development to achieve as a minimum, a water efficiency standard of no more than 110 litres per person per day maximum water consumption (to include a fixed factor of water for outdoor use of 5 litres per person per day in accordance with the option requirement defined within Approved Document G of the Building Regulations).
- 7.96 The proposal would therefore be compliant with Policy SI 2 of the London Plan (2021) and Policy DMEI 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

#### Airport Safeguarding

- 7.97 Policy DMAV 1 of the Hillingdon Local Plan (2020) states that the Council will ensure that uses such as housing, education and hospitals are not located in areas significantly affected by aircraft noise without acceptable mitigation measures.

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**PART 1 – Members, Public & Press**

- 7.98 The application site is within 3km of the Northolt RAF site. However, as the site is within an established residential area within this zone, it is considered that visibility and audibility of aircraft operations associated with RAF Northolt would not be of significant harm to the living conditions of future occupiers.
- 7.99 It is therefore considered that it would be unreasonable to refuse the application on the ground of harm to the residential amenity of the future occupiers, in respect to aircraft noise associated with RAF Northolt.

#### Land Contamination

- 7.100 The site is not located within an area identified as being subject to potential land contamination.

#### Fire Safety

- 7.101 Policy D12 of the London Plan states that all developments must achieve the highest standards of fire safety. However, it is major developments that require the submission of a supporting Fire Statement.
- 7.102 Given that the proposal is for two dwellings that would have a street frontage there is unobstructed outside space on the road to accommodate fire appliances and to serve as an evacuation assembly point. It is considered that the design of the proposal would enable effective evacuation from each dwelling. The application is therefore considered to be in general accordance with Policy D12 of the London Plan.

### **8 Other Matters**

#### Human Rights

- 8.1 The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

#### Equality

- 8.2 Due consideration has been given to Section 149 of the Equality Act with regard to the Public Sector Equality Duty in the assessment of this planning application. No adverse equality impacts are considered to arise from the proposal.

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## Local Finance Considerations and CIL

- 8.3 The Council adopted its own Community Infrastructure Levy (CIL) on 1st August 2014. The Hillingdon CIL charge for residential developments is £95 per square metre of additional floor space. This is in addition to the Mayoral CIL charge of £60 per square metre. CIL rates are index linked. The proposal involves the erection of new dwellings and is therefore CIL liable if planning permission is granted.

## **9 Conclusion / Planning Balance**

- 9.1 On balance, the proposed development would have a satisfactory impact on the character and appearance of the area and would not give rise to any undue harm to neighbouring amenities, or the local highway network. Additionally, adequate living accommodation would be provided for future residents. The proposal would contribute additional family sized dwellings to the borough's housing stock.
- 9.2 The proposal is considered to comply with the Development Plan and no material considerations indicate that a contrary decision should be taken. Consequently, the application is recommended for approval subject to the conditions set out in Appendix 1.

## **10 Background Papers**

Relevant published policies and documents taken into account in respect of this application are set out in the report. Documents associated with the application (except exempt or confidential information) are available on the [Council's website here](#), by entering the planning application number at the top of this report and using the search facility. Planning applications are also available to inspect electronically at the Civic Centre, High Street, Uxbridge, UB8 1UW upon appointment, by contacting Planning Services at [planning@hillingdon.gov.uk](mailto:planning@hillingdon.gov.uk).

# **APPENDICES**

## **Planning Application**

**78323/APP/2024/968**

# Appendix 1: Recommended Conditions and Informatives

## Conditions

### 1. RES3 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

#### REASON

To comply with Section 91 of the Town and Country Planning Act 1990

### 2. RES4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

Location Plan

102 Rev B

103 Rev C

104 Rev C

105 Rev C

and shall thereafter be retained/maintained for as long as the development remains in existence.

#### REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012), Part 2 (2020) and the London Plan (2021).

### 3. OM19 Construction Management Plan

Prior to development commencing, a demolition and construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail:

- (i) The phasing of development works
- (ii) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours).
- (iii) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- (iv) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- (vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (vi) The storage of demolition/construction materials on site.



The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

#### REASON

To safeguard the amenity of surrounding areas in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

#### **4. COM7 Materials (Submission)**

No development shall take place until details of all materials and external surfaces have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

#### REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

#### **5. RES9 Landscaping (car parking & refuse/cycle storage)**

Notwithstanding the approved details and prior to any works on site above damp proof course level, a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

##### 1. Details of Soft Landscaping

- 1.a Planting plans (at not less than a scale of 1:100),
- 1.b Written specification of planting and cultivation works to be undertaken,
- 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

##### 2. Details of Hard Landscaping

- 2.a Means of enclosure/boundary treatments (no more than 0.6m along the site frontage to meet highway visibility sightlines)
- 2.b Details of secured and covered cycles stand for at least two bicycles per dwelling

##### 3. Details of Landscape Maintenance

- 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
- 3.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

##### 4. Details of refuse and recycling storage

4.a Details of secured and covered bin storage including specification and location.

## 5. Schedule for Implementation

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

## REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies DMHB 11, DMHB 12, DMHB 14 and DMT 2 of the Hillingdon Local Plan Part 2 (2020) and Policies G5 and T6.1 of the London Plan (2021).

## 6. RES8 Tree Protection

No site clearance or construction work shall take place until the details have been submitted to, and approved in writing by, the Local Planning Authority with respect to:

1. A detailed method statement outlining the sequence of development on the site including demolition, building works and tree protection measures.
2. Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority. Such fencing should be a minimum height of 1.5 metres.

Thereafter, the development shall be implemented in accordance with the approved details.

The fencing shall be retained in position until development is completed.

The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

- 2.a There shall be no changes in ground levels;
- 2.b No materials or plant shall be stored;
- 2.c No buildings or temporary buildings shall be erected or stationed.
- 2.d No materials or waste shall be burnt; and.
- 2.e No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

3. Where the arboricultural method statement recommends that the tree protection measures for a site will be monitored and supervised by an arboricultural consultant at key stages of the development, records of the site inspections / meetings shall be submitted to the Local Planning Authority.

NOTE: The detailed Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) should align with the Arboricultural Impact Assessment Report (ref: 2149DCS241009 dated 10/10/24) and draft Tree Protection Plan (ref: 2149\_Draft\_TPP)

#### REASON

To ensure that trees and other vegetation can and will be retained on site and not damaged during construction work and to ensure that the development conforms with policy DMHB 14 of the Hillingdon Local Plan Part 2 (2020)

#### 7. RES10 **Tree to be retained**

Trees, hedges and shrubs shown to be retained on the approved plan(s) shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority.

If any retained tree, hedge or shrub is removed or severely damaged during (or after) construction, or is found to be seriously diseased or dying, another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority. The planting shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'

Remedial work should be carried out to BS BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

#### REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy DMHB 14 of the Hillingdon Local Plan Part 2 (2020) and to comply with Section 197 of the Town and Country Planning Act 1990.

#### 8. NONSC **BNG Condition**

No development shall take place on any part of the site until a written 30-year Habitat Management Plan (HMP) for the site has been submitted to and approved in writing by the Local Planning Authority.

The approved HMP shall be strictly adhered to, and development shall commence and

operate in accordance with it.

The HMP should, as a minimum, include:

- a) Description and evaluation of the features to be managed.
- b) Aims, objectives and targets for management.
- c) Description of the management operations necessary to achieving aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a works schedule, including an annual works schedule.
- f) Details of the monitoring needed to measure the effectiveness of management.
- g) Details of the timetable for each element of the monitoring programme and;
- h) Details of the persons responsible for the implementation and monitoring.
- i) Report to the Council routinely regarding the state of the Biodiversity Net Gain requirements for development in years 1 (post-completion), 3, 5, 10, 20, and 30, with biodiversity reconciliation calculations at each stage.

#### REASON

To ensure the development delivers a Biodiversity Net Gain within the borough and secures the protection and effective management of the remaining habitat on site in accordance with Policy 15 of the National Planning Policy Framework, Policy G6 of The London Plan, and Policy DMEI 7 (Biodiversity Protection and Enhancement) of Hillingdon Council's Local Plan Part 2 Development Management Policies.

#### **9. NONSC Step Free Access**

Prior to any works on site above damp proof course level, details of step free access via all points of entry and exit shall be submitted to, and approved in writing, by the Local Planning Authority. The measures implemented as approved shall be retained thereafter.

#### REASON

To ensure that the dwelling is of an inclusive and accessible design in accordance with Policies D5 and D7 of the London Plan (2021).

#### **10. NONSC Category 2 M4(2) dwelling**

The ground floor dwelling hereby approved shall be constructed to meet the standards for a Category 2, M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015.

#### REASON

To ensure that the dwelling is of an inclusive and accessible design in accordance with Policies D5 and D7 of the London Plan (2021).

#### **11. RES15 Sustainable Water Management (changed from SUDS)**

No development approved by this permission shall be commenced until a scheme for the

provision of sustainable water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development and will:

- i. Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. A timetable for its implementation; and
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme should also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and:

- iv. Provide details of water collection facilities to capture excess rainwater;
- v. Provide details of how rain and grey water will be recycled and reused in the development.
- vi. Details of how the dwelling will achieve a water efficiency standard of no more than 110 litres per person per day maximum water consumption (to include a fixed factor of water for outdoor use of 5 litres per person per day in accordance with the optional requirement defined within Approved Document G of the Building Regulations).

#### REASON

To ensure the development does not increase the risk of flooding in accordance with Policy DME1 10 of the Hillingdon Local Plan Part 2 (2020) and London Plan (2021) Policies SI 12 and SI 13 of the London Plan (2021).

### **12. RES14 Outbuildings, extensions and roof alterations**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification); no garage(s), shed(s) or other outbuilding(s), nor extension or roof alteration to any dwellinghouse(s) shall be erected without the grant of further specific permission from the Local Planning Authority.

#### REASON

To protect the character and appearance of the area and amenity of residential occupiers in accordance with policies DMHB 11 and DMHD 2 of the Hillingdon Local Plan Part 2 (2020).

### **13. RES12 No additional windows or doors**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England)Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved.

## REASON

To prevent overlooking to adjoining properties in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

### **14. RES13 Obscure Glazing**

The side facing windows shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

## REASON

To prevent overlooking to adjoining properties in accordance with policies DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

### **15. COM28 Visibility Splays - Pedestrian**

The access for the proposed car parking shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.

## REASON

In the interests of highway and pedestrian safety in accordance with policy DMT 2 of the Hillingdon Local Plan Part 2 (2020)

## **Informatives**

### **1.**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be the London Borough of Hillingdon.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the

statutory exemptions or transitional arrangements listed below are considered to apply.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
  - (i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024; or
  - (ii) the application for the original planning permission\* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
  - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
    - i) the application for planning permission was made before 2 April 2024;
    - ii) planning permission is granted which has effect before 2 April 2024; or
    - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates\* was exempt by virtue of (i) or (ii).
  - 4.2 Development below the de minimis threshold, meaning development which:
    - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
    - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
  - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
  - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
  - 4.5 Self and Custom Build Development, meaning development which:
    - i) consists of no more than 9 dwellings;
    - ii) is carried out on a site which has an area no larger than 0.5 hectares; and
    - iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined

in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

\* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

#### Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

#### The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

## **2. 152 Compulsory Informative (1)**

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8



(right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

### **3. 170 LBH worked applicant in a positive & proactive (Granting)**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

### **4.**

The applicant is reminded of the need to comply with other regulations and legislation that is outside the realms of the planning assessment under the current application.

These regulations include (but not limited to)

- Building Regs Act
- Environmental Acts including Control of Pollution Act 1974
- Water Industry Act 1991
- Fire Safety Regs

### **5. 173 Community Infrastructure Levy (CIL) (Granting Consent)**

Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. Before commencement of works the development parties must notify the London Borough of Hillingdon of the commencement date for the construction works (by submitting a Commencement Notice) and assume liability to pay CIL (by submitting an Assumption of Liability Notice) to the Council at [planning@hillingdon.gov.uk](mailto:planning@hillingdon.gov.uk). The Council will then issue a Demand Notice setting out the date and the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed.

The above forms can be found on the planning portal at:

[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

Pre-Commencement Conditions: These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of the pre-commencement conditions have been discharged/complied with.

### **6. 115 Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

**7.**

The applicant is advised that the Building Regulations are legal requirements that apply to building work and are aimed at achieving minimum standards of construction to ensure the health and safety of people in or around buildings, including fire safety.

Approval under the Building Regulations is requirement and you are advised to seek the advice of the Council's Building Control Service or an Approved Inspector prior to the commencement of works.

For more information on Building Regulations requirement and the Council own service please visit the following weblink below.

<https://www.hillingdon.gov.uk/article/1025/Planning-and-building-control>

## **8. 12 Encroachment**

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application may have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control for which the appropriate Notice under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been served.

## **9. 16 Property Rights/Rights of Light**

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

#### **10. I47      Damage to Verge - For Council or Private Roads:**

For Council Roads:

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

For Private Roads:

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

#### **11. IT05      Wildlife and Countryside Act 1981**

Wildlife and Countryside Act 1981: Note that it is an offence under this act to disturb roosting bats, nesting birds or any other protected species. Therefore, if applicable, it is advisable to consult your tree surgeon / consultant to agree an acceptable time for carrying out the approved works.

#### **12. I5          Party Walls**

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

- carry out work to an existing party wall;
- build on the boundary with a neighbouring property;
- in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control

Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Residents Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

### **13. I3 Building Regulations - Demolition and Building Works**

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Residents Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 558170).

### **I53 Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan 2021 and national guidance.

DMEI 10	Water Management, Efficiency and Quality
DMEI 9	Management of Flood Risk
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 16	Housing Standards
DMHB 18	Private Outdoor Amenity Space
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D3	(2021) Optimising site capacity through the design-led approach
LPP D5	(2021) Inclusive design
LPP D6	(2021) Housing quality and standards
LPP D7	(2021) Accessible housing
LPP G7	(2021) Trees and woodlands
LPP SI12	(2021) Flood risk management

LPP SI13	(2021) Sustainable drainage
LPP SI2	(2021) Minimising greenhouse gas emissions
LPP T5	(2021) Cycling
LPP T6	(2021) Car parking
LPP T6.1	(2021) Residential parking
NPPF12 -23	NPPF12 23 - Achieving well-designed and beautiful places
NPPF14 -23	NPPF14 23 - Meeting the challenge of climate change, flooding and coastal change

**Appendix 2: Relevant Planning History**

### **Appendix 3: List of Relevant Planning Policies**

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMEI 9 Management of Flood Risk

DMEI 10 Water Management, Efficiency and Quality

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 14 Trees and Landscaping

DMHB 16 Housing Standards

DMHB 18 Private Outdoor Amenity Space

DMT 5 Pedestrians and Cyclists

DMT 6 Vehicle Parking

LPP D3 (2021) Optimising site capacity through the design-led approach

LPP D5 (2021) Inclusive design

LPP D6 (2021) Housing quality and standards

LPP D7 (2021) Accessible housing

LPP G7 (2021) Trees and woodlands

LPP SI12 (2021) Flood risk management

LPP SI13 (2021) Sustainable drainage

LPP SI2 (2021) Minimising greenhouse gas emissions

LPP T5 (2021) Cycling

LPP T6	(2021) Car parking
NPPF12 -23	NPPF12 23 - Achieving well-designed and beautiful places
NPPF14 -23	NPPF14 23 - Meeting the challenge of climate change, flooding and coastal change
LPP T6.1	(2021) Residential parking